

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

WILLIE LITTLETON

PLAINTIFF

VS.

NO. 3:04CV00224JMM

PILOT TRAVEL CENTERS, LLC

DEFENDANT

ORDER

The Court has reviewed the Bill of Costs submitted by the defendant and the response of the plaintiff. (Docket #'s 69 and 74). District courts may award costs to a prevailing party. Fed.R.Civ.P. 54(d). However, such costs must be set out in 28 U.S.C. § 1920 or some other statutory authorization. *Smith v. Tenet Healthsystem SL, Inc.* 436 F.3d 879, 889 (8th Cir. 2006)

The defendant has requested \$1,818.61 for costs relating to the depositions of Willie Littleton, Randy Dyer and David Breeding; along with duplication, facsimile, overnight mail, long-distance telephone, postage and document retrieval costs. Although it is in the Court's discretion to tax the costs of taking depositions, it is this Court's policy to disallow the costs for the taking of depositions and any fees associated therewith for discovery purposes. Each of these witnesses testified at trial, therefore, the request for deposition expenses will be disallowed as incidental to normal preparation for trial.

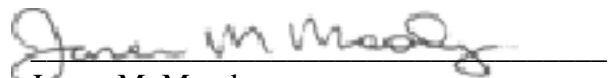
The defendant requests \$346.02 for copying costs. Pursuant to 28 U.S.C. §1920, costs of photocopies "necessarily obtained for use in the case" are generally taxable. However, a prevailing party seeking the recovery of photocopying costs must show that the copies "were necessary." *Corsair Asset Management, Inc. v. Moskovitz*, 142 F.R.D. 347, 352 (N.D. Ga. 1992). The Court has allowed reimbursement for the costs of copying a set of exhibits for trial purposes.

Here, the defendant has not satisfactorily explained the use of all the copies for which the Court has been asked to award costs. Therefore, the request for copy expense will be disallowed.

The Court finds the remaining costs requested incidental to the normal preparation for trial, accordingly, the costs will be disallowed.

IT IS THEREFORE ORDERED that Defendant shall be denied costs for the reasons set forth herein.

Dated this 14th day of January, 2008.

A handwritten signature in dark ink, appearing to read "James M. Moody", is written over a horizontal line.

James M. Moody
United States District Judge